

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 468 of 2015

Lajrus Kujur, S/o Late Bolo Kujur, aged about 70 years, Caste-Uranw , R/O
Village- Jamjhariya, P.S. & Tah. . Duldula, Civil & Revenue Distt. Jashpur, Distt.
Jashpur (Chhattiagarh)

---- Petitioner

Versus

State Of Chhattisgarh, through- Police Thana- Duldula, Distt. Jashpur
(Chhattisgarh)

---- Respondent

For Applicant :	Shri Sanjay Agrawal, Advocate.
For Respondent/State:	Shri Manish Nigam, Panel Lawyer .

Order On Board

29/06/2015

Heard.

This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.33/2015, registered in Police Station- Duldula, District- Jashpur, for alleged commission of offence under Section 420 read with Section 34 of the IPC.

Case of the prosecution is that the applicant cheated his own daughter and collected Rs.1.5 lakh in the name of mining lease executed in favour of complainant, but, later on, the lease deed was prepared in the name of applicant.

Learned counsel for the applicant submits that the allegations are improbable and afterthought. It is highly improbable that the applicant would cheat his own daughter. Brother-in-law worked in the leased area for more than one year, but no allegation was leveled there. It is submitted that Lodging of FIR at such belated stage is false implication to recover money.

On the other hand, learned counsel for the State submits that the complainant and other witnesses have clearly stated that Rs.1.5 lakh was advanced to the applicant by complainant, his own daughter, but the applicant

used the money to get the lease in his own name.

Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration that the transaction is in between the father and the daughter and complaint has been lodged after one year and the statement of Ranjeet, who stated that he worked in the mines of the applicant for one year and the report has been lodged after a dispute arose with regard to payment for the work done by Ranjeet, I am inclined to allow the application.

The application is accordingly allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the arresting officer on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer with following further conditions that:

- (i) the applicant shall make himself available for interrogation by the police officer as and when required;
- (ii) the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)

J U D G E